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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,082	08/20/2003	Tomohiro Shinoda	3022-0018	4712

20457 7590 02/23/2005

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EXAMINER

NGUYEN, KIM T

ART UNIT PAPER NUMBER

3713

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,082

Applicant(s)

SHINODA, TOMOHIRO

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 11/24/04.

According to the amendment, claims 6-19 have been added, and claims 1-19 are pending in the application.

Claim Objections

1. Claim 12 is objected to because of the following informalities:

In claim 12, line 3, the claimed limitation "transmission unit" should be corrected to "transmitter".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizaki et al (US patent No. 6,616,535) in view of Stamper (GB 2,334,456).

- a. As per claim 1, Nishizaki discloses a gaming machine comprising data reading means for reading game data from an IC card (col. 15, lines 24-25); and data transmission means for transmitting the game data (col. 16, lines 11-13). Nishizaki does not explicitly disclose that a data reading means configured such that an IC chip can be fitted into the upward facing recess of a reading means. However, Stamper discloses the data reading means having the claimed configuration (Fig. 3b). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the data reading means of Nishizaki with the data reading means of Stamper in order to facilitate receiving a token having a specific shape.
- b. As per claim 2, Nishizaki discloses stopping commencement of a game based on the initial or game history data (col. 16, lines 11-19). Further, signaling stop command to a controller would have been well known.
- c. As per claim 3, Nishizaki discloses stopping the game based on the degree of different between the pre-recorded data and the game initial data (col. 16, lines 26-36).
- d. As per claim 4, refer to discussion in claim 1 above. Further, Nishizaki discloses acquiring the game initial data and storing the data (col. 9, lines 26-32).
- e. As per claim 5, refer to discussion in claims 2-3 above.

- f. As per claim 6, Stamper including a plurality of reading means for receiving a plurality of token simultaneously (Fig. 4; page 6, lines 18-21).
- g. As per claim 7-8, Stamper discloses attaching an action figure to the token (Fig. 1).
- h. As per claim 9-11, refer to discussion in claims 1-2 and 6 above. Further, implementing a CPU to a gaming machine and carrying the stopping or progression of the game via the CPU would have been well known to a person of ordinary skill in the art at the time the invention was made.
- i. As per claim 12, refer to discussion in claim 3 above.
- j. As per claim 13, Nishizaki discloses transmitting stop signal representing the difference between identification data and the pre-recorded data (col. 15, lines 52-60).
- k. As per claim 14, refer to discussion in claim 7 above.
- l. As per claim 15, utilizing an ordinary token without an IC chip would have been well known.
- m. As per claim 16-19, refer to discussion in claims 1-3, 7, 13, and 15 above.

Response to Arguments

- 4. Applicant's arguments filed on 11/24/04 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications; please mark
"EXPEDITED PROCEDURE")

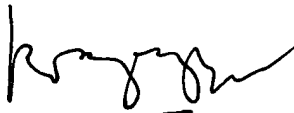
Hand-delivered responses should be brought to Crystal Plaza II,
Arlington, VA Second Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

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Date: February 12, 2005


Kim Nguyen
Primary Examiner
Art Unit 3713